

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2022 AUG 16 AM 11:23

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUSSELL L. RUCKS, SR.,

Defendant.

4:22CR3095 OFFICE OF THE CLERK

INDICTMENT

21 U.S.C. § 846
21 U.S.C. § 841(a)(1) & (b)(1)
21 U.S.C. § 851
18 U.S.C. § 2
21 U.S.C. § 853

The Grand Jury Charges:

COUNT I

Beginning on or about April 1, 2021, and continuing to on or about August 12, 2021, in the District of Nebraska and elsewhere, Defendant RUSSELL L. RUCKS SR. did knowingly and intentionally combine, conspire, confederate, and agree with other persons to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers and salts of isomers, a Schedule II controlled substance, and a detectable amount of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance, resulting in the serious bodily injury of individuals, F.F. and M.H., and the death of an individual, V.R., in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1).

Before Defendant RUSSELL L. RUCKS, SR. committed the offense charged in this Count, he had a final conviction for a serious drug felony, namely, a conviction for Possession with Intent to Distribute Crack Cocaine under 21 U.S.C. § 841(a)(1), (b)(1) in the United States District Court for the District of Nebraska (4:08cr-3115) for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

Before Defendant RUSSELL L. RUCKS, SR. committed the offense charged in this Count, he had a final conviction for a serious drug felony, namely, a conviction for Distribution or Delivery of Cocaine in violation of Neb. Rev. Stat. § 28-416(1) in the District Court for Lancaster County, Nebraska (CR09-6340) for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

In violation of Title 21, United States Code, Section 846; and Title 21, United States Code, Section 851.

COUNT II

On or about July 27, 2021, in the District of Nebraska, Defendant RUSSELL L. RUCKS, SR. did knowingly and intentionally distribute a mixture or substance containing a detectable amount of cocaine and fentanyl, Schedule II controlled substances, that resulted in the bodily injury of an individual, M.H., and the death of an individual, V.R.

Before Defendant RUSSELL L. RUCKS, SR. committed the offense charged in this Count, he had a final conviction for a serious drug felony/felony drug offense, namely, a conviction for Possession with Intent to Distribute Crack Cocaine under 21 U.S.C. § 841(a)(1), (b)(1) in the United States District Court for the District of Nebraska (4:08cr-3115) for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

Before Defendant RUSSELL L. RUCKS, SR. committed the offense charged in this Count, he had a final conviction for a serious drug felony/felony drug offense, namely, a conviction for Distribution or Delivery of Cocaine in violation of Neb. Rev. Stat. § 28-416(1) in the District Court for Lancaster County, Nebraska (CR09-6340) for which he served more than

12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

In violation of Title 21, United States Code, Section 841(a)(1); Title 21, United States Code, Section 841(b)(1); and Title 21, United States Code, Section 851.

COUNT III

On or about August 12, 2021, in the District of Nebraska, Defendant RUSSELL L. RUCKS, SR. did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine, its salts, optical and geometric isomers and salts of isomers, a Schedule II controlled substance.

Before Defendant RUSSELL L. RUCKS, SR. committed the offense charged in this Count, he had a final conviction for a serious drug felony, namely, a conviction for Possession with Intent to Distribute Crack Cocaine under 21 U.S.C. § 841(a)(1), (b)(1) in the Federal District Court for the District of Nebraska (4:08cr-3115) for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

Before Defendant RUSSELL L. RUCKS, SR. committed the offense charged in this Count, he had a final conviction for a serious drug felony, namely, a conviction for Distribution or Delivery of Cocaine in violation of Neb. Rev. Stat. § 28-416(1) in the District Court for Lancaster County, Nebraska (CR09-6340) for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

In violation of Title 21, United States Code, Section 841(a)(1); Title 21, United States Code, Section 841(b)(1); and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

1. The allegations contained in Counts I, II, and III of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 846, and Title 21, United States Code, 841(a)(1), (b)(1), Defendant RUSSELL RUCKS, SR. shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense. The property to be forfeited includes, but is not limited to:

a. A total of about \$5,584 in United States currency seized from RUSSELL RUCKS SR. on or about August 12, 2021.

3. If any of the property described above, as a result of any act or omission of Defendant(s):

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

In violation of Title 21, United States Code, Section 853.

A TRUE BILL.

FOREPERSON

The United States of America requests that trial of this case be held in Lincoln, Nebraska, pursuant to the rules of this Court.

By:


JOHN J. SCHOETTLE, #IL6321461
Assistant U.S. Attorney